

Authority: Parks and Environment Committee Item PE8.5, adopted as amended, by City of Toronto Council on December 9 and 10, 2015

CITY OF TORONTO

BY-LAW No. 1327-2015

To amend City of Toronto Municipal Code Chapter 813, Trees, to make technical amendments, improve customer service, add clarity and enhance enforcement.

Whereas Council has approved certain amendments to Municipal Code Chapter 813;

The Council of the City of Toronto enacts:

1. Municipal Code Chapter 813, Article II, Trees on City Streets is amended as follows:

A. By adding the following definitions in § 813-3 in alphabetical sequence:

ARBORIST REPORT - a technical report that identifies the location, species, size and condition of trees and describes maintenance strategies and protection measures to be implemented.

GOOD ARBORICULTURAL PRACTICE - tree planting, maintenance and removal performed in accordance with the American National Standards, ANSI 3000 and best management practices identified by the International Society of Arboriculture, to the satisfaction of the General Manager.

LANDSCAPING AND REPLANTING PLAN - a plan that identifies the location species and size of trees proposed for planting and illustrates planting details.

TREE PROTECTION PLAN - a plan prepared in conjunction with an arborist report that identifies the location, species and size of trees, identifies the extent of injury, where applicable, and illustrates details of protection measures including the location of protective barriers.

B. By amending the following definitions in § 813-3:

(1) The definition of OFFICER is amended by adding "students working for urban forestry" and City contractors, to the list of persons whose duties include enforcement of Chapter 813.

(2) The definition of DESTROY is deleted and replaced with the following:

DESTROY - to remove, cut down, or in any injure a tree to such an extent that it is deemed by the General Manager to be an imminently hazardous tree, or that the tree's vitality has been reduced to such an extent that in the opinion of the General Manage, the tree cannot recover to be maintained in a safe or healthy condition, further maintenance is not warranted and the tree should be removed.

(3) The definition of CARE AND MAINTENANCE is amended by deleting the words "and includes" and substituting the word "including".

- (4) The definition of TREE is amended by deleting the words "ownership and maintenance of trees that have 50 percent or more of their main stem situated on a City road allowance will be the responsibility of the City".
- C. By amending § 813-5, Powers and duties of General Manager, by adding the following powers and duties:
- T. To require tree protection guarantees where work may impact trees.
 - U. To assume responsibility for maintenance of trees that have 50 percent or more of their main stem situated on a City street.
 - V. To impose contravention inspection fees in accordance with Chapter 441, Fees and Charges, Appendix "E", Schedule 1, where an inspection is undertaken in order to determine compliance with this chapter or the conditions of a permit.
- D. By amending the powers and duties of the General Manager under § 813-5 as follows:
- (1) By adding the words "and applications" in § 813-5M;
 - (2) By adding the words "or application" after the word "permit" in § 813-5O(1); and
 - (3) By deleting the word "required" and replacing it with the word "requested" in § 813-5O(3).
- E. By amending § 813-6, Compliance, permit required: approval required; prohibited activities, by deleting the word "will" and substituting the word "may" in § 813-6A.
- F. By amending § 813-7, Applications; form and content; application fees, by:
- (1) Deleting the words "Appendix C, Schedule 7" and substituting "Appendix E, Schedule 1" in § 813-7A(2);
 - (2) Deleting the words "identifying the location, species, size and condition of trees on the property and describing protection measures to be implemented in § 813-7A(5);
 - (3) Deleting the words "identifying the location, species, size and condition of trees on the property and illustrating details of protection measures including protective barriers and hoarding in § 813-7A(6); and
 - (4) Adding the words "before tax" after the words "cut off" in § 813-7B(1)(c).

- G. By amending § 813-8, Review of applications; criteria, by deleting § 813-8J and substituting the following:

The submission of satisfactory landscape plans, arborist reports and tree protection plans in accordance with § 813-7A.

- H. By amending § 813-10. Permit conditions, by adding the following as subsection (5):

The permit shall be posted in a conspicuous location visible from the street, for a period of one day prior to the commencement of the approved tree injury or destruction and until such time as the approved tree injury or destruction has been completed in accordance with the permit.

2. Municipal Code Chapter 813, Article III, Private Tree Protection is amended as follows:

- A. By adding the following definitions in § 813-11 in alphabetical sequence:

AS OF RIGHT - development that complies with the Ontario Building Code, local zoning by-laws and other applicable law and is permitted without further approval by City planning.

BOUNDARY TREE - a tree, any part of whose trunk is growing across one or more property lines.

GOOD ARBORICULTURAL PRACTICE - tree planting, maintenance and removal performed in accordance with the American National Standards ANSI 3000 and best management practices identified by the International Society of Arboriculture to the satisfaction of the General Manager.

NEIGHBOUR TREE - a tree whose trunk is growing wholly on one property and that is the subject of an application to injure or destroy by an adjacent property owner.

TRUNK - the entire trunk of a tree from its point of growth away from the roots up to its top where it branches out to limbs and foliage.

- B. By amending the following definitions in § 813-11:

(1) The definition of OFFICER is amended by adding "students working for urban forestry" and City contractors, to the list of persons whose duties include enforcement of Chapter 813.

(2) The definition of ARBORIST REPORT is deleted and replaced with the following:

A technical report that identifies the location, species and size and condition of trees and describes maintenance strategies and protection measures to be implemented.

- (3) The definition of TREE PROTECTION PLAN is deleted and replaced with the following:

A plan prepared in conjunction with an arborist report that identifies the location, species and size of trees, identifies the extent of injury, where applicable, and illustrates details of protection measures including the location of protective barriers.

- (4) The definition of LANDSCAPING AND REPLANTING PLAN is deleted and replaced with the following:

A plan that identifies the location species and size of trees proposed for planting and illustrates planting details.

C. By amending § 813-14, Applications; from and content, as follows:

- (1) By deleting the words "to the General Manager" in § 813-14A and adding the words "to the satisfaction of the General Manager at the end of § 813-14A;
- (2) By deleting the words "Appendix C, Schedule 7" and substituting "Appendix E, Schedule 1" in § 813-14A(2);
- (3) By deleting the words "identifying the location, species, size and condition of trees on the property and describing protection measures to be implemented in § 813-14A(5);
- (4) By deleting the words "identifying the location, species, size and condition of trees on the property and illustrating details of protection measures including protective barriers and hoarding to be implemented to protect trees that are to be retained in § 813-14A(6); and
- (5) By adding the words "before tax" after the words "cut off" in § 813-14B(2).

D. By amending the powers and duties of the General Manager under § 813-15, as follows:

- (1) By deleting the words "to post" and substituting the words "to provide a tree protection guarantee or tree planting security deposit by the submission of", in § 813-15F;
- (2) By adding the words "and applications" in § 813-15G;
- (3) By adding the words "or application" in § 813-15I(1); and
- (4) By adding the following as § 813-15J:

Impose contravention inspection fees in accordance with Chapter 441, Fees and Charges, Appendix "E", Schedule 1, where an inspection is

undertaken in order to determine compliance with this chapter or the conditions of a permit.

- E. By amending § 813-16, Review of applications; criteria, by adding the following as § 813-16K:

The arborist report, tree protection plan and landscaping and replanting plans are satisfactory.

- F. By amending § 813-18 Issuance of permits by adding the following as § 813-18B(10) and § 813B(11):

(10) development is permitted as of right.

(11) the owner has submitted a tree protection plan to the satisfaction of the General Manager and it is determined by the General Manager that the injury is minor in nature and will allow the tree to continue to survive in good condition.

- G. By deleting § 813-18.1. Issuance of permits; notification; consultation, and substituting the following:

Issuance of permits; healthy trees; additional conditions

Despite § 813-17C, and subject to § 813-18.2, the General Manager may issue permits to injure or destroy healthy trees where the conditions set out in § 813-18B do not apply.

- H. By adding the following as § 813-18.2:

Prior to issuance of a permit under § 813-18.1:

A. Notice shall be posted in accordance with § 813-19; and

B. The owner shall submit tree protection plans and landscaping and replanting plans to the satisfaction of the General Manager and the Ward Councillor.

- I. By adding the following as § 813-19.1:

§ 813-19.1. Boundary trees; notice

Upon receipt of an application to injure or destroy a boundary tree or neighbour tree, the General Manager shall:

A. Provide notice of the application in writing to all boundary tree co-owners.

B. Provide notice of the application in writing to the neighbour tree owner.

C. Advise the applicant that all arborist reports, tree protection plans, landscaping and replanting plans, surveys and other supporting

documentation submitted as part of the application will be provided to the boundary tree co-owners or neighbour tree owner.

- J. By amending § 813-20. Permits to destroy; conditions as follows:
- (1) By amending § 813-20A by adding the words "in good condition for a period of two years after planting," after the word "maintained".
 - (2) By adding the following as § 813-20E, F, G, H and I respectively:
 - E. Trees permitted for destruction shall only be destroyed following issuance of a building permit or demolition permit.
 - F. Replacement trees that do not survive or are in poor condition within two years of planting shall be replaced and maintained in accordance with § 813-20A.
 - G. The owner shall contact the City's Urban Forestry Office for inspection of replacement planting upon completion.
 - H. Despite § 813-12, the provisions of this article shall apply to replacement trees having a diameter of less than 30 centimetres.
 - I. The permit shall be posted in a conspicuous location visible from the street, for a period of one day prior to the commencement of the approved tree destruction and until such time as the approved tree destruction has been completed in accordance with the permit.
- K. By amending § 813-21. Permits to injure; conditions as follows:
- (1) By adding the following as § 813-21D, E, F, G, H and I, respectively:
 - D. Trees permitted for injury shall only be injured following issuance of a building permit or demolition permit.
 - E. Prior to the commencement of any work on the site, tree protection barriers shall be installed in accordance with the City of Toronto Tree Protection Policy and Specifications for Construction Near Trees, and in accordance with the approved tree protection plans and arborist reports, to the satisfaction of the General Manager.
 - F. Tree protection barriers shall be maintained in good condition and shall not be altered, moved or removed unless and until authorized by the General Manager.
 - G. The owner shall notify all contractors and other parties working on site of approved tree protection plans and arborists reports and shall ensure that all contractors and other parties adhere strictly to the requirements of the tree protection plan.

- H. Owners shall contact the City's Urban Forestry Office for inspection of tree protection measures upon completion.
 - I. The permit shall be posted in a conspicuous location visible from the street, for a period of one day prior to the commencement of the approved tree injury and until such time as the approved tree injury has been completed in accordance with the permit.
- (2) By deleting the words "landscaping replanting plans" and substituting "tree protection plans and arborist reports" in § 813-21B.
3. Article IV, Offences and Enforcement, § 813-27C is amended by adding the word "not" after the second "is".

Enacted and passed on December 10, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)